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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,981	12/10/2001	Chia-Hui Han	JCLA7632	1935
7590	12/02/2004		EXAMINER	
J.C. Patents, Inc. Suite 250 4 Venture Irvine, CA 92618			LE, TRAN Q	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/013,981	HAN, CHIA-HUI	
	Examiner	Art Unit	
	Tran Q. Le	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is not clear of what it means by "the infrared transmission head is coupled to the infrared transmission head through an infrared controller". Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to because the blank boxes in figures 1, 2, and 3 should be labeled. For example, in figure 1, the blank boxes such as 100, 400, and 300 should be labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 objected to because of the following informalities: "test band name" on line 13 should be corrected to "test brand name". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 which claim both an apparatus and the method of using an apparatus are indefinite under 35 U.S.C. 112, second paragraph. See in Ex parte Lyell, 17USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) and see MPEP 2173.05 (p) section II.

6. Claims 1-14 are rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101

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which is drafted so as to set forth the statutory classes of invention in the alternative only. Id. at 1551.

7. Claim 1 recites the limitation "said steps" in line 4. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 2 recites the limitation "said steps" in line 19. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 6 recites the limitation "said steps" in line 8 and limitation "said test brand name" in line 12. There are insufficient antecedent basis for these limitations in the claims.

10. Claim 12 recites the limitation "said test brand name" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 6, 8, 9, 10, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamon et al. (US Patent No: 5,726,645)

Regarding claims 1, 6, and 8-11, referring to figures 1 and 6, Kamon discloses a transmission method for identifying infrared transmission head

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functions (see abstract) through an infrared controller (remote controller, fig. 6) coupled to an infrared transmission head (10b, fig. 6), the method comprising the steps of: setting the infrared controller in a test circuit mode (see fig. 7, col. 5, lines 8-25 and col. 6, lines 36-51, i.e. the step of presetting data selecting and setting mode is corresponding to setting the infrared controller in a test circuit mode); selecting a test brand name and a test transmission mode among a plurality of brand names (see fig. 2 and fig. 7, col. 2, lines 47-67, and col. 3, lines 1-10); programming the infrared controller according to the test transmission mode corresponding to the test brand name of the infrared transmission head and sending out transmission test data (see fig. 3 and col. 6, lines 36-51); receiving test data according to the test transmission mode corresponding to the test brand name of the infrared transmission head (see fig. 7, col. 6, lines 8-32, and col. 7, lines 39-47); registering the test brand name and associated test transmission mode of the infrared transmission head when the transmission test data and the received test data are identical (col. 6, lines 8-32, and col. 7, lines 39-50); and operating the infrared transmission head according to the registered test brand name and test transmission mode of the infrared transmission head (col. 3, lines 4-10, and col. 6, lines 8-32).

Regarding claims 2 and 12, Kamon further discloses the steps of selecting brand names to serve as a test brand name are repeated until all brand names have been selected (fig. 7 and col. 6, lines 36-67, and col. 7, lines 1-58).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-5, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamon et al (US Patent No: 5,726,645) in view of the Prior Art Figures 1 and 2.

Regarding claims 3, 4, 7 and 13, Kamon differs from claims 3, 4, 7, and 13 in that Kamon does not disclose that the infrared controller includes a direct access memory unit partitioned into two separate groups, one group is used for holding transmission test data while the other group is used for holding received test data. However, Prior Art Figure 2 discloses an infrared controller (100, fig. 2) including a direct access memory unit partitioned into two separate groups (510, 520, fig. 2), one group is used for holding transmission test data (510, fig. 2) while the other group is used for holding received test data (520, fig. 2), and the infrared controller of the Prior Art Figure 2 (100, fig. 2) supports simultaneous data transmission and reception. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate an infrared controller that includes a direct access memory unit partitioned into two separate groups and supports simultaneous data transmission and reception, as taught by the Prior Art Figure 2 into the system of

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Kamon in order to transmit and receive test data at the same time, therefore, the brand name of a particular infrared transmission head can be determined automatically.

Regarding claims 5 and 14, the combination of Kamon and Prior Art Figure 2 teaches the infrared controller (100, Prior Art Fig. 1 and Fig. 2) enclosed within a South Bridge control chipset (400, Prior Art Figure 1 and Figure 2) such that the South Bridge control chipset provides a few leads to serve as terminals of the infrared controller for data transmission and reception.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishigaki et al. (US Patent No: 5,438,325) is cited to show an apparatus for remotely controlling audio/video devices from different manufacturers

Teskey (US Patent No: 6,747,568) is cited to show a universal remote control and a method for programming a universal remote control to allow a user to quickly and easily identify a set of remote control signal formats that include a desired signal format and then individually test the signal formats in the identified set to identify the desired signal format.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran Q. Le whose telephone number is (571)272-2046. The examiner can normally be reached on 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TQL

Manhphan

Hanh Phan

Primary Examiner

11/26/04